

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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BLOSSOM HAZLE,

Plaintiff-Appellant,

v

FORD MOTOR COMPANY and FORD-UAW  
RETIREMENT BOARD OF  
ADMINISTRATION,

Defendants-Appellees.

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UNPUBLISHED

August 27, 1999

No. 204496

Wayne Circuit Court

LC No. 96-625870 CZ

Before: Neff, P.J., and Kelly and Hood, JJ.

KELLY, J. (dissenting)

I respectfully dissent.

I, like the majority, conclude that plaintiff did provide enough evidence to establish a prima facie case for discrimination. However, I cannot say that plaintiff has adequately rebutted defendants' assertions that the failure to promote plaintiff was not based on discriminatory pretext.

The information relied on by defendants tended to show Ms. Block as having the necessary skills to perform the tasks associated with the office manager position. Indeed, it is undisputed that defendants were seeking an infusion of new ideas in the department with the replacement of the retiring manager. Plaintiff represented the working styles of the previous manager. Thus, Block's representations of strong communication and technology skills with an emphasis on implementing new ideas were more attractive to defendants than plaintiff's long history with defendants. Since Block's fabrications were not known to defendants at the time of the hiring process, I cannot construe a good faith reliance on the same against defendants. In fact, defendants did not check the references of any applicants for the office manager position.<sup>1</sup> Further, while the majority notes defendants did know that Block did not possess a college degree, I disagree with the majority's conclusion that a college degree was a qualification for the position. The advertisement for the position stated in part: "The qualified individual should have a BS degree in finance or accounting, have strong communication skills, and have office experience directing the work of others." The language used by defendants leads me to believe that a business degree was not a necessity in order to be considered for this position. Had that been the

case, in my opinion, highly sophisticated defendants such as Ford Motor Company and Ford-UAW Retirement Board of Administration would have used more specific language such as “shall” or “must.”<sup>2</sup>

Ultimately, the question is whether the employer knew the selected candidate was not qualified at the time of hiring. *Dabrowski v Warner-Lambert Co*, 815 F2d 1076, 1079 (CA 6, 1987). Further, an honest mistake with no discriminatory intent against anyone will not be construed against the employer. *Id.* Therefore, I would affirm the lower court’s granting of defendants’ motion for summary disposition.

/s/ Michael J. Kelly

<sup>1</sup> I note that a panel on the Sixth Circuit Court of Appeals has determined that a poor business judgment in failing to check an applicant’s credentials is an issue only if a discriminatory motive can be inferred from the employer’s judgment. *Wrenn v Gould*, 808 F2d 493, 503 (CA 6, 1987). In light of the fact that defendants did not check the references of any applicants, I cannot construe such actions as evidence of a discriminatory motive.

<sup>2</sup> Interestingly, while plaintiff does have a bachelors degree, she does not have a degree in finance or accounting. If such a degree is a necessity for consideration then plaintiff herself was not adequately qualified for the position. However, all parties to this action concede that plaintiff was qualified enough to be considered for the position.